

MINUTES

Tuesday, November 6, 2007

Mr. Warren Pearce, Chairperson, called the Tuesday, November 6, 2007 meeting of the Community Planning Commission to order at 7:30p.m. in Room 10 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT:

Warren Pearce, Chairperson
Patricia Romeo, Vice Chairperson
Christopher B. Hayden, Clerk
Neal Rooney
James Perullo

STAFF

PRESENT:

Heidi Griffin, Planning Administrator
Debra Savarese, Administrative Assistant

Minutes

Mr. Hayden moved, seconded by Mrs. Romeo and voted 5-0:

that the Community Planning Commission vote to accept the minutes of October 9, 2007 as amended.

Mr. Hayden moved, seconded by Mrs. Romeo and voted 5-0:

that the Community Planning Commission vote to accept the minutes of October 16, 2007 as amended.

Deer Run – Open space – Discussion

Mr. Pearce stated that at the first meeting it was discussed that the plan drawn by Viking Tree and submitted by a resident of Deer Run was acceptable to all of the residents. The plan was then engineer drawn and submitted for approval to legally modify the definitive subdivision plans. There were some other items that were requested, but most of these have already been addressed on the original subdivision plan. The work has not been completed per that plan but will be completed before the street is accepted. The request for a wall at the beginning of Valley Road, cannot be done because there is no place to build it that will be properly sustainable. Although this is a separate item from this evening's discussion, there is an area that requires a guardrail for safety reasons and the developer has agreed to make the guardrail decorative so that the name of the subdivision can be placed on the beam.

Dan Rosengarten of 13 Valley Road stated that the position of the residents of Deer Run is that they want a playground, and if they are not going to have a playground, then in the negotiations they want certain other things to compensate for not having a playground. They want the empty space brought back to its natural state, along with landscaping going out of Valley Road.

Mr. Pearce stated that in regard to the other areas, who will maintain them.

Dan Rosengarten of 13 Valley Road stated that he is looking for sufficient compensation for breach of contract.

Tom Hurley of Contemporary Builders stated that they have always been willing to put the playground in. They are waiting for the final word from the Community Planning Commission.

Mr. Pearce asked who will maintain the playground.

Tom Hurley stated that this was part of the agreement that was signed and sealed.

Mr. Pearce asked with whom.

Tom Hurley stated that it was agreed upon with whoever signed the original subdivision plans. (Community Planning Commission)

Mr. Pearce stated the Community Planning Commission requested that there be a Homeownership Association for this subdivision. The Parks & Recreation situation was brought in by the developer as someone who could maintain the park. The Community Planning Commission never discussed this with the Parks & Recreation Department and this is where the break-down started. The Community Planning Commission thought that the developer had received an agreement from the Parks & Recreation. The most current situation at this time is that the Parks & Recreation Department will not take the playground and we cannot make them take it. With this in mind, the property then becomes a no-mans land and stays as it is forever. The recourses would be between the homeowners and the developer and become a civil matter.

Dan Rosengarten of 13 Valley Road stated that there is another matter only because it is recorded with what the town has put in there. So that the subdivision agreement has been recorded by the town and not that they want to have a any recourse against the town, but it is certainly something in writing that they have all relied on. The Community Planning Commission agreed to allow the subdivision with certain requirements, so they actually do have the right to file an injunction to stop any approval and seek any damages for compensation based on the differential an evaluation between having what was agreed upon.

Mr. Pearce stated that the residents brought a proposal to the Community Planning Commission to have the area turned back to its natural state.

Mr. Hayden stated that the Community Planning Commission had requested that the residents think about creating a Homeowner's Association to maintain the park and the residents that have been present at these meetings do not want a Homeowner's Association.

Mr. Pearce stated that the following items will be completed as compensation for the playground.

- 1) Natural landscaping will be planted.
- 2) The strip of grass on the sidewalk will be graveled.
- 3) Additional landscaping at Valley Road.
- 4) Guardrail at Valley Road.

Mr. Hayden moved, seconded by Mr. Perullo and voted 5-0:

that the Community Planning Commission vote to approve the plan entitled "Definitive Subdivision, Definitive Subdivision Plans, Shared Park Concept Plan, North Reading, Massachusetts" dated September 26, 2007; drawn by Premier Development, Inc. as amended this evening. Contingent on the addition of a formal plan for the plantings on Valley Road.

Mr. Rooney stated that for the record, the anything the developer has done in the past has been a 100% when it is completed.

117 Marblehead Street – Definitive Subdivision - cont. P.H. 8:00PM

Attorney James Senior stated that at the last Community Planning Commission meeting a traffic report was requested to basically analyze whether or not the offset intersection created any problems that would not occur at a normal intersection. This report was submitted to the planning department and the Assistant Planner has since reviewed and commented. (see memo 11/2/07)

Mrs. Romeo stated that she believes the calculations of the report are incorrect.

Mr. Rooney stated that when the proposal for the Olde Coach Road subdivision was presented, Mr. Pretty (owner of 117 Marblehead St.) had major concerns with traffic, speed the dip in the road and vehicles coming close to his home. He wanted to know why Mr. Pretty now feels that it would be safe and adequate to add two more homes to this area. He does not believe that the traffic study is correct and does not believe that the improvements made by the previous developer were enough to have additional homes built in this area.

Mr. Perullo stated that based on the topography he does not believe that anything better can be done.

Mrs. Romeo stated that she agrees with Mr. Rooney. Her experience of this area has shown her that the cars do speed down Marblehead Street and there is reason for concern. She does agree that the subdivision is laid out well, but does not agree with Mr. Perullo's statement that this is the best that can be done. The Community Planning Commission's job is to do what is right and what is suppose to be done according to the Rules and Regulations.

Mr. Pearce stated that a sign should be installed to warn vehicles that the area is thickly settled.

Mr. Rooney stated that two signs should be placed in this area.

The name of the street shall be Beechtree Lane.

Mr. Pearce closed the public hearing.

Waivers:

Mr. Hayden moved, seconded by Mr. Rooney and voted 5-0:

that the Community Planning Commission vote to waive Section 350-13.B.1 to allow the Definitive Subdivision Plan (Sheet 3 of 8) to be drawn at 30 scale (1 in. = 30 ft) is GRANTED.

Mr. Hayden moved, seconded by Mr. Perullo and voted 5-0:

that the Community Planning Commission vote to waive Section 350-14.E.4.a to allow a cul-de-sac with a property line diameter of less than 120 feet is GRANTED.

Mr. Hayden moved, seconded by Mr. Rooney and voted 4-1:

that the Community Planning Commission vote to waive Section 350-14.B.1 to allow street joints with center-line offsets of less than 125 feet is GRANTED.

Mr. Hayden moved, seconded by Mr. Perullo and voted 3-2:

that the Community Planning Commission vote to waive Section 350-14.B.6 to allow streets to be laid out so as to intersect at an interval less than 600 feet is GRANTED.

Mr. Hayden moved, seconded by Mr. Perullo and voted 5-0:

that the Community Planning Commission vote to waive Section 350-19.A to allow drainage easements less than 30 feet wide is GRANTED.

Mr. Hayden moved, seconded by Mr. Perullo and voted 3-2:

that the Community Planning Commission vote to APPROVE the plan entitled, "Definitive Subdivision Plans, Beechtree Estates, North Reading, Massachusetts"; dated June 15, 2007; revised October 1, 2007; drawn by O'Neill Associates, as amended this evening.

87 Concord Street – Site Plan Review – cont. P.H. 8:00PM

Attorney James Valeriani stated that he would like to have included in the bond

1. Cost of maintenance to the site.

Mr. Hayden moved, seconded by Mrs. Romeo and voted 5-0:

that the Community Planning Commission vote to APPROVE the Site Plan Approval entitled, "Verizon Wireless, 87 Concord Street, North Reading, MA"; dated July 26, 2007; drawn by SFC Engineering Partnership, Inc. as amended this evening.

Agatha Way – Definitive Subdivision - Discussion

Attorney Jeff Karp stated that a proposal was worked out with Lowell Coop. (copy of proposal submitted to the planning board)

Mrs. Griffin asked when they would be requesting Certificate of Occupancies on lots 2 & 3.

Attorney Jeff Karp stated that it would be sometime in the spring.

Mr. Hayden asked when the water service for the original house on lot 1 would be disconnected.

Frank Amato stated that it had already been done.

Mr. Pearce stated that it looks like the town is now out of the loop as far as the Tripartite Agreement, other than the fact that the Community Planning Commission will continue to monitor the work on the subdivision and release the funds when applicable.

Attorney Karp stated that there was a concern with the curbing, but they should be able to complete by December.

Mr. Pearce asked the members if they had any questions or comments.

Mr. Rooney asked if the granite had been secured for the site.

Frank Amato stated that they do have the granite secured, but are waiting for a delivery date.

Mr. Hayden stated that lots 2 and 3 will not be released until all of the conditional approval is met.

Mrs. Griffin asked when the other lots would need to be released.

Alex Karafilidis stated that he is closing on his home and would need to have lot 5 released before December 27, 2007.

Nick Sfikas stated that he would need to have lot 4 released before December 2, 2007.

Mrs. Griffin asked if lot 1 should be approved, subject to the continuation of work as outlined in item #1 on page two of the letter.

Alex Karafilidis stated that both he and his brother-in-law Nick Sfikas were issued building permits in May 2007. They were notified a few weeks ago that their lots were not released by the town.

Mr. Pearce stated that this was the fault of their closing attorney. The attorney should have asked for the lot releases at the time of the closing.

Alex Karafilidis stated that they do not have any influence as to what should happen with the cul-de-sac and they feel that they are being potentially penalized, and they are here to appeal to the board for the release of the lots.

Mr. Pearce stated that the Community Planning Commission is doing this to protect them from buying a home in a subdivision that may not be completed. They do not want to hold the certificate of occupancies, but feel that this is one way to ensure that the Conditional Approval requirements are met.

Mrs. Romeo asked if this gives the town any assurance on the tree bond.

Mr. Pearce stated that the bond should cover the trees.

Mr. Hayden moved, seconded by Mr. Rooney and voted 5-0:

that the Community Planning Commission vote to approve the request from Attorney Jeff Karp, representing North Five LLC and its managers to waive the Certificate of Occupancy for lot 1, subject to the work being completed as outlined on page 2, item 1 of their letter; dated November 6, 2007.

Leland Road – Bond Reduction

Mr. Hayden moved, seconded by Mr. Rooney and vote 5-0:

that the Community Planning Commission vote to accept the November 5, 2007 report from Design Consultants, Inc. and that the amount of \$19,957.30 be established as sufficient to ensure the completion of the Leland Road Determination of Access.

ADJOURNMENT AT 9:50PM

Respectfully submitted,

Christopher B. Hayden, Clerk